

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

No. 1:23-cr-00138

Plaintiff,

Hon. Hala Y. Jarbou  
U.S. District Judge

vs.

DERRICK SMITH, JR,

Defendant.

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**MOTION FOR PROTECTIVE ORDER**  
**AND MEMORANDUM IN SUPPORT**

The United States of America hereby moves pursuant to Fed. R. Crim. P. 16(d), for a protective order that limits the use and dissemination of certain material and information to be produced by the United States in discovery in the above-captioned case.

The United States alleges that Defendant was a felon in possession of firearms. The investigation produces body and dash camera videos, photographs, social media records, phone extracts, reports and various other records that capture PII of people otherwise unrelated to this case. Redacting all of these discovery materials to eliminate all PII would be impractical, unduly burdensome, time consuming, and may unnecessarily impede Defendant's review and analysis of the material.

To promote the efficient and timely production of discovery material and to protect the confidentiality of PII contained within the discovery material in this case, the United States respectfully requests an order providing that disclosure of the

discovery material be limited to: (1) members of the defense team in this case (co-counsel, paralegals, investigators, litigation support personnel, Defendant, and secretarial staff); (2) any experts or consultants retained to assist in the preparation of the defense of this case; (3) any potential witnesses interviewed by the defense team in this case, if it is determined that it is necessary to share or display records to such witnesses for the purpose of preparing the defense of this criminal case; and (4) the Court in connection with proceedings in this case. Further, (5) that defense counsel redact PII from the discovery material provided by the government that defense provides to witnesses in connection with this case, excluding expert witnesses, (6) defense counsel shall not allow Defendant to retain unredacted copies of the discovery material, (7) defense counsel shall take all reasonable steps necessary to ensure that the discovery material containing PII are not improperly disclosed.

WHEREFORE, the government respectfully requests that this Court enter the attached proposed Order governing the production and dissemination of the discovery material in this case.

Respectfully submitted,

MARK A. TOTTEN  
United States Attorney

Dated: December 4, 2023

/s/ Jacob Metoxen  
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